

**MINUTES  
FREMONT CITY COUNCIL REGULAR MEETING  
DECEMBER 1, 2009  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** Vice Mayor Wieckowski led the salute to the flag.

**1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

**1.4 Announcements by Mayor/City Manager**

Mayor Wasserman opened the meeting in honor of Police Officer Roger Kellerman who unexpectedly passed away.

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

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|----------|---|
| Ayes:    | Mayor Wasserman, Vice Mayor Wieckowski,<br>Councilmembers: Natarajan, Harrison and Chan |
| Noes:    | None  |
| Absent:  | None  |
| Abstain: | None  |

- \* **2.2 Approval of Minutes** – None.

- \* **2.3 Mayor Wasserman opened consideration of approval of Partial Release of Improvement Security Required By Private Improvement Agreement for Tract 7859, for Partial Performance of the Completion of Improvements**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council permitted the partial release of improvement security, Tract 7859, for private improvements, in the amount of \$396,000, retaining \$263,000 in security until acceptance of all the private improvements by the City Engineer.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.4 Mayor Wasserman opened consideration of Adoption of a Resolution Authorizing the Submittal of an Application to the Metropolitan Transportation Commission for the Federal American Recovery and Reinvestment Act of 2009 Funding for the Osgood Road Rehabilitation Project, City Project No. 8173 (PWC)**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Adopted Resolution No. 2009-74 authorizing the City Manager or designee to submit an application to the Metropolitan Transportation Commission (MTC) for \$770,000 in funding from the Federal American Recovery and Reinvestment Act of 2009.
2. Appropriated the amount in American Recovery and Reinvestment Act of 2009 funding approved by MTC in the amount of \$770,000 to the Osgood Road Rehabilitation Project, City Project No. 194PWC8173.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

**\* 2.5 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Introduce an Ordinance Amending Fremont Municipal Code Title VIII, Article 19.1 (Historic Resources) to Clarify that the Historical Architectural Review Board is the Initial Review Authority for Appeals of a Determination Regarding a Potential Resource**

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Found the proposed project exempt from review under the California Environmental Quality Act Guidelines in that the proposed project has no potential for significant effect.
3. Waived full reading and introduced an ordinance amending Fremont Municipal Code Title VIII, Article 19.1, Sections 8-219118, 8-219119 and 8-219137 as shown in Exhibit "A", regarding appeals of Potential Resource determinations and to correct cross-references as specified.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

### 3. CEREMONIAL ITEMS

#### 3.1 **Resolution: Recognizing T.G.I.F. Body Shop, Inc. as a Bay Area Green Business in the City of Fremont**

### 4. PUBLIC COMMUNICATIONS

#### 4.1 **Oral and Written Communications**

Lowell Aspelund expressed various concerns regarding traffic signals. Wynn Grich (A.T.O.W.N.) expressed concern about the potential contamination of local drinking water. Dan Ondrasek (Friends of Coyote Hills) expressed concern about the Draft Environment Impact Report on the development of Patterson Ranch in front of the Coyote Hills Regional Park.

### 5. SCHEDULED ITEMS

#### 5.1 **Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Introduce an Ordinance Amending Fremont Municipal Code Title VIII, Section 8-22135.1 Regarding Commercial, Industrial and Non-Residential Condominiums, and to Consider a General Plan Amendment to Modify Minimum Development Levels in Transit Oriented Areas**

Senior Planner Kelly Diekmann presented the report. Mayor Wasserman opened the public hearing. Jack Balch expressed concerns regarding the draft ordinance. Mr. Balch responded to questions from Councilmembers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment. Council directed the City Attorney to look into the taxability of condominium reserves and return with options at the next meeting.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Found the proposed project exempt from review under the California Environmental Quality Act Guidelines in that the proposed project has no potential for significant effect and is an alteration of existing land use limitations.
3. Adopted Resolution No. 2009-75 to amend the General Plan as shown in Exhibit "A."
4. Waived the full reading and introduced an ordinance to amend Fremont Municipal Code Title VIII, Chapter 2, Section 8-22135-1 as shown in Exhibit "B" regarding commercial, industrial, and non-residential condominiums.
5. Directed the City Attorney to prepare a summary of the ordinance for publication and direct the City Clerk to publish the summary and post a certified copy of the full text of the ordinance in the City Clerk's Office at least five days before its adoption.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan.  
Noes: None.  
Absent: None.  
Abstain: None.

## **6. REPORT FROM CITY ATTORNEY**

### **6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.**

## **7. OTHER BUSINESS**

### **7.1 Mayor Wasserman opened consideration of Adoption of Resolution of Necessity Authorizing Filing of Eminent Domain Action to Acquire Properties Located at 400-472 Kato Terrace and 48815-48819 Kato Road for the Kato Road Grade Separation Project**

Mayor Wasserman opened the hearing. There were no speakers. Mayor Wasserman closed the hearing.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Conducted a hearing.
2. Adopted Resolution No. 2009-76, a Resolution of Necessity making the findings, determined that the public interest and necessity require the acquisitions of the subject properties, and authorized the commencement of eminent domain proceedings.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,  
Councilmembers: Natarajan, Harrison and Chan  
Noes: None  
Absent: None  
Abstain: None

## **8. COUNCIL COMMUNICATIONS**

### **8.1 Council Referrals**

- 8.1.1 VICE MAYOR WIECKOWSKI REFERRAL: Develop an Ordinance for City Council Consideration Prohibiting the Use of Polystyrene Foam Disposable Food Packaging.

Item was continued to December 15, 2009.

### **8.2 Oral Reports on Meetings and Events**

Councilmembers reported on their various meetings and activities.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 8:28 p.m.

Attest:

Approved:

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Susan Gauthier, Deputy City Clerk

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BOB WASSERMAN, Mayor